

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FANG-YUH HSIEH,

Plaintiff,

v.

R. JAMES NICHOLSON,

Defendant.

No. C 06-05281 PJH

ORDER

The court is in receipt of a proposed second amended complaint, submitted by plaintiff Fang-Yuh Hsieh. The proposed second amended complaint cannot be filed, because plaintiff has not complied with the requirements of Federal Rule of Civil Procedure 15.

Rule 15 provides, in part, that once a responsive pleading has been served, a plaintiff may amend the complaint "only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a).

Plaintiff filed the complaint in this action on August 28, 2006, and filed the first amended complaint on September 26, 2006. Defendant answered on November 9, 2006. Thus, plaintiff must either obtain leave of court, by filing a noticed motion in conformance with the Civil Local Rules of this court, or obtain and file the written consent of defendant to the proposed amendment.

IT IS SO ORDERED.

Dated: May 4, 2007



PHYLLIS J. HAMILTON
United States District Judge